THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.9243 of 2006

Dated:17.07.2006

Between:

Smt.P.Punyavathi @ Deepa.

…Petitioners

and

The District Collector, Chittoor District, and others.

…Respondents

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ORDER:

The petitioner is a resident of Lakshmipuram in Tirupathi Town. She alleges that she got the land admeasuring Acs.3.00 in Survey No.3/2C2/E2 situated at Chandragiri Taluk, Tirupati Village, Dasarimattam area, Chittoor District, under a Will dated 19.04.1986 executed by her father late Kotakinda Chinnabbai. After the death of his father she allegedly took possession of the land and enjoying the same without any interruption, duly getting her name recorded in the revenue records. She alleges that she approached the fourth respondent for survey of the land, who in turn addressed a letter to the third respondent on 14.11.2005 requesting to depute the Mandal Surveyor for taking necessary action. The grievance of the petitioner is that in spite of the same no action was taken, and therefore, she is before this Court seeking a writ of mandamus directing the respondents to conduct the survey, demarcate and fix the boundaries of the land allegedly belonging to her.

At the stage of admission itself, the Mandal Revenue Officer, Tirupathi (Urban) Mandal, filed a counter affidavit stating that he has deputed the Mandal Surveyor to survey and fix the boundaries, that the Mandal Surveyor orally informed the petitioner to attend the survey on 24.11.2005, that she too agreed for the survey on the date fixed, notices under Section 6(1) of the Andhra Pradesh Survey and Boundaries Act, 1923 (for short 'the Act'), were issued to other adjacent ryots, and that on 24.11.2005, the petitioner did not attend the survey. It is further stated that the two brothers and two sisters of the petitioner attended the survey and objected claiming that they purchased the land from pattadars and enclosed the sale deeds. Therefore, the Mandal Revenue Officer could not conduct the survey and fix the boundaries.

The attention of this Court is invited to the Rules framed in exercise of power under Section 26 of the Act, which is to the effect that all notices and communications required under the Act shall be in writing. It appears the third respondent or the Mandal Surveyor did not comply with the Rule.

Therefore, the third respondent is directed to issue notices as required under Rule 9 framed under Section 26 of the Act and complete the survey of the land in Survey No.3/2C2/E2 within a period of four weeks. If the two brothers and two sisters of the petitioner raise objections their objections may be recorded with regard to the ownership of the land. Be it noted that mere survey of the land by the revenue Officials does not in any manner confer any rights of ownership or a valid title to the petitioner or take away such rights. The purpose of survey is only to show that the land on the ground is in accordance with the Field Measurement Book and the area remains as it is recorded in the Village records.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

17.07.2006
vs